



VIA CERTIFIED MAIL

September 25, 2013

Bestway Recycling Company, Inc.
P.O. Box 109
South Gate, CA 90280

Los Angeles Recycling
William Duran, Facility Operator
1000 N. Main Street
Los Angeles, CA 90012

Los Angeles Recycling Center, Inc.
1000 N. Main Street
Los Angeles, CA 90012

VIA U.S. MAIL

Dong Su Kim
Registered Agent
Bestway Recycling Company, Inc.
Los Angeles Recycling Center, Inc.
3857 Hayvenhurst Dr.
Encino, CA 91436

Re: Notice of Violation and Intent to File Suit Under the Federal Water Pollution Control Act

To Whom It May Concern:

I am writing on behalf of Los Angeles Waterkeeper ("Waterkeeper") regarding violations of the Clean Water Act¹ and California's General Industrial Storm Water Permit ("Storm Water Permit")² occurring at the Bestway Recycling Company, Inc. and Los Angeles Recycling Center, Inc. facility located at 1000 N. Main Street, Los Angeles, California 90012 ("Los Angeles Recycling Facility" or "Facility"). The purpose of this letter is to put the owner(s) and/or operator(s) of the Los Angeles Recycling Facility on notice of the violations of the Storm Water Permit occurring at the Facility, including, but not limited to, violations caused by discharges of polluted storm water from the Los Angeles Recycling Facility into local surface waters and the failure to comply with the substantive and procedural requirements of the Storm Water Permit. Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, the Los Angeles Recycling Facility owner(s) and/or operator(s) are liable for violations of the Storm Water Permit and the Clean Water Act.

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to file suit. Notice must be given to the alleged violator, the Administrator of the United States Environmental Protection Agency

¹ Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*

² National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ.

("EPA"), the Regional Administrator of the EPA, the Executive Officer of the water pollution control agency in the State in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation. *See* 40 C.F.R. § 135.2(a)(1). This letter is being sent to you as the responsible owner(s), officer(s), and/or operator(s) of the Los Angeles Recycling Facility, or as the registered agent for these individuals and entities. By this letter ("Notice Letter"), issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act, Waterkeeper puts the Los Angeles Recycling Facility owner(s) and/or operator(s) on notice that, after the expiration of sixty (60) days from the date of this letter, Waterkeeper intends to file an enforcement action in Federal court against them for violations of the Storm Water Permit and the Clean Water Act.

I. Background

A. Los Angeles Waterkeeper

Waterkeeper is a non-profit 501(c)(3) public benefit corporation organized under the laws of California with its main office at 120 Broadway, Suite 105, Santa Monica, California 90401. Founded in 1993, Waterkeeper has approximately 3,000 members who live and/or recreate in and around the Los Angeles area. Waterkeeper is dedicated to the preservation, protection, and defense of the rivers, creeks, and coastal waters of Los Angeles County from all sources of pollution and degradation. To further this mission, Waterkeeper actively seeks federal and state implementation of the Clean Water Act. Where necessary, Waterkeeper directly initiates enforcement actions on behalf of itself and its members.

Members of Waterkeeper reside in Los Angeles County, near the Los Angeles River and the Los Angeles Estuary. As explained in detail below, the owners and/or operators of the Los Angeles Recycling Facility have continuously discharged pollutants into the Los Angeles River, which flows into the Los Angeles River Estuary and the Pacific Ocean (collectively "Receiving Waters"), in violation of the Clean Water Act and the Storm Water Permit. Waterkeeper members use these waters to swim, boat, and kayak. Waterkeeper members also use the path alongside the Los Angeles River to bird watch, view wildlife, hike, bike, walk, and run. Additionally, Waterkeeper members use these waters to engage in scientific study through pollution and habitat monitoring and restoration activities, including Waterkeeper's Marine Program, Kelp Restoration Project, Marine Protected Areas Watch Project, Watershed Program and Drain Watch Program. The unlawful discharge of pollutants from the Los Angeles Recycling Facility into the Receiving Waters impairs Waterkeeper members' use and enjoyment of these waters. Thus, the interests of Waterkeeper's members have been, are being, and will continue to be adversely affected by the Los Angeles Recycling Facility owners' and/or operators' failure to comply with the Clean Water Act and the Storm Water Permit.

B. The Los Angeles Recycling Facility Owner and/or Operator and Permit Coverage

Publicly available information indicates that Bestway Recycling Company, Inc. and Los Angeles Recycling Center, Inc. are the owners and operators of the Los Angeles Recycling

Facility (collectively "Los Angeles Recycling Facility Owner and/or Operator"). Information available to Waterkeeper indicates that Dong Su Kim is the registered agent for Bestway Recycling Company, Inc. and Los Angeles Recycling Center, Inc.

Industrial dischargers are required to apply for coverage under the Storm Water Permit by submitting a Notice of Intent ("NOI") to Obtain Storm Water Permit coverage to the State Water Resources Control Board ("State Board"). See Storm Water Permit, Finding #3. The State Board approved the Los Angeles Recycling Facility NOI on April 6, 1992. The State Board's letter acknowledging receipt of the Los Angeles Recycling Facility's NOI identifies the facility name and address as "LA Recycling, 1000 N Main Street, Los Angeles" and the operator as Los Angeles Recycling. Additionally, this document lists the Waste Discharge Identification ("WDID") number for the Los Angeles Recycling Facility as 4-19I004147.³

The Storm Water Permit requires facility operators to submit "Facility Site Information" in the NOI. Storm Water Permit, Attachment 3 at 3. "Facility Site Information" must include the Standard Industrial Classification ("SIC") code identifying the industrial activities taking place at the facility. *Id.* A facility must include all activities that take place at a facility on the Facility Site Information. *Id.* The Los Angeles Recycling Facility's NOI lists its Standard Industrial Classification ("SIC") Code as 5093 (Scrap and Waste Materials). Information available to Waterkeeper indicates that Los Angeles Recycling Facility Owner and/or Operator conduct waste material processing as well as other industrial activities that require coverage under the Storm Water Permit. For example, information indicates that Los Angeles Recycling Facility Owner and/or Operator also conducts hazardous waste treatment, storage, and/or disposal – classified as industrial activity under SIC Code 4953 - by maintaining a hazardous waste storage tank, and storing hazardous wastes on their property. NOI at 1; Storm Water Permit, Table D at 43. The Los Angeles Recycling Facility Owner and/or Operator, however, has failed to properly prepare and/or amend the NOI as required by the Storm Water Permit, Attachment 3 at 2, and has failed to include this additional industrial activity in the existing Storm Water Pollution Prevention Plan (SWPPP) and Monitoring and Reporting Program (M&RP).⁴

C. Storm Water Pollution and Receiving Waters

With every significant rainfall event, millions of gallons of polluted rainwater, originating from numerous Los Angeles industrial operations such as the Los Angeles Recycling Facility, pour into storm drains and Los Angeles area surface waters. The consensus among regulatory agencies and water quality experts is that storm water pollution accounts for more than half of the total pollution entering marine and river environments annually. According to the National Research Council's "Report on Urban Storm Water," storm water runoff is "a principal

³ The Storm Water Pollution Prevention Plan for the Los Angeles Recycling Facility states that the WDID number for the Facility is 4 19S004147. Given the discrepancy of only one letter compared to the Facility's NOI, Waterkeeper assumes that this different WDID number is a typographical error.

⁴ The Los Angeles Recycling Facility Owner's and/or Operator's failure to properly identify all industrial activities occurring at the Los Angeles Recycling Facility has resulted in violations of the Storm Water Permit and the Clean Water Act described Sections III.C and III.D below.

contributor to water quality impairment of waterbodies nationwide.”⁵ This discharge of pollutants from industrial facilities in storm water contributes to the impairment of downstream waters and aquatic dependent wildlife. A water body is impaired if it is unable to support its beneficial uses, as described below.

Discharges from recycling facilities such as the Los Angeles Recycling Facility contain pollutants such as: oil and grease (“O&G”); hydraulic fluids; transmission fluid; antifreeze; solvents; detergents; water-based paint and solvents; aromatic hydrocarbons; chlorinated hydrocarbons; total suspended solids (“TSS”); and heavy metals (including copper, iron, lead, aluminum, and zinc). Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, and developmental or reproductive harm. Discharges of polluted storm water and non-storm water to the Receiving Waters via the storm drain system pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

The Receiving Waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically altered the natural ecosystem, the Receiving Waters are still essential habitat for dozens of fish and bird species, as well as macro-invertebrate and invertebrate species. Storm water and non-storm water contaminated with sediment, heavy metals, and other pollutants harm the special aesthetic and recreational significance that the Receiving Waters have for people in the surrounding communities. The public’s use of the Receiving Waters for water contact sports exposes many people to toxic metals and other contaminants in storm water and non-storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

The Los Angeles Regional Water Quality Control Board (“Regional Board”) issued the *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura County* (“Basin Plan”). The Basin Plan identifies the “Beneficial Uses” of the portions of the Los Angeles River Watershed that receive polluted storm water discharges from the Los Angeles Recycling Facility. These Beneficial Uses include: water contact recreation (REC 1), non-contact water recreation (REC 2), warm freshwater habitat (WARM), wildlife habitat (WILD), wetland (WET), estuarine habitat (EST), freshwater habitat (FRSH), marine habitat (MAR), commercial fishing (COMM), industrial (IND), rare, threatened, or endangered (RARE), migration of aquatic organisms (MIGR), and spawning, reproduction and/or early development (SPWN). See Basin Plan, Table 2-1. According to the 2010 303(d) List of Impaired Water Bodies, Reach 2 of the Los Angeles River is impaired for pollutants such as copper, lead, and oil.⁶ Reach 1 of the Los Angeles River is impaired by, among other pollutants, copper, lead, zinc, and pH. Polluted discharges from the Los Angeles Recycling Facility cause and/or contribute to the degradation of these already impaired surface waters and aquatic dependent wildlife. The pollutants discharged into Reaches 1 and 2 of the Los Angeles River flow to the Pacific Ocean via the Los Angeles

⁵ National Research Council of the National Academies, “Urban Stormwater Management in the United States,” vii. (2008).

⁶ 2010 Integrated Report – All Assessed Waters, available at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml (last accessed on August 27, 2013).

River Estuary and Los Angeles Harbor. For the Los Angeles area aquatic ecosystem to regain its health, contaminated storm water discharges, including those from the Facility, must be eliminated.

II. The Los Angeles Recycling Facility and Associated Discharges of Pollutants

A. Los Angeles Recycling Facility Site Description

Information available to Waterkeeper indicates that the Los Angeles Recycling Facility is approximately 56,975 square feet in size.⁷ The Facility is comprised of two parcels of land. One parcel is larger and is located on the north side of College Street. Three structures stand on this parcel, including: a 10' x 50' trailer for offices, a 30' x 40' open-sided structure that houses one baler; and a 30' x 100' open-sided structure that houses a second baler. Also located on this larger parcel are glass bunkers; storage areas for cardboard and paper; an aluminum and plastic receiving area; scales; a sorting line; a loading dock; a storage area for pallets and baled materials; a propane tank; an air compressor; empty metal bins and roll-offs; pallets; 55-gallon dispenser drums containing new fluids; and areas for truck parking and container storage. The second smaller parcel is on the south side of College Street. This smaller parcel contains a metal storage area; a repair and metal processing area; and a warehouse. Both parcels are paved with asphalt and concrete, and are about 100% impervious.

B. Los Angeles Recycling Facility Industrial Activities and Pollutant Sources

Information available to Waterkeeper indicates that the Los Angeles Recycling Facility Owner and/or Operator collects, sorts, bales, grades, and otherwise prepares glass, plastic, aluminum, non-ferrous metals, paper, and cardboard for transfer to other facilities that will reconstitute these materials into new products. Approximately 98.9% of the industrial activities at the Los Angeles Recycling Facility are conducted outdoors.

Information available to Waterkeeper indicates that customers enter the Los Angeles Recycling Facility on College Avenue at one of two entrances. Customers bring materials to the Facility in their own vehicles and are directed to deposit them in areas throughout the Facility. Presorted paper and cardboard deposited by customers are moved to storage bins and then transferred to the warehouse yard and building by front loader and forklift. Non-ferrous metals are dumped directly into containers. The front-loader and forklifts move other materials, such as metals, plastic, and glass, to the sorting line where they are sorted by hand onto conveyors to be deposited into storage containers. Solid wastes are sorted, recyclables are removed, and any remaining materials are loaded into trucks for disposal in off-site landfills. Paper, cardboard, aluminum, and plastic are baled using stripped insulated wire. Materials are stored outdoors in uncovered containers and in uncovered piles on the ground throughout the Facility, including most baled materials.

⁷ The NOI for the Los Angeles Recycling Facility states that the Facility is about 56,975 square feet, or approximately 1.3 acres, in size. The Storm Water Pollution Prevention Plan for the Los Angeles Recycling Facility states that the size of the Facility is about 5 acres.

Information available to Waterkeeper indicates that the loading dock area is used to load recyclable materials in bales and containers onto trucks. Hauling equipment is used to pick up roll-offs and other large containers, and bales of paper, aluminum, and plastic are loaded onto trucks using a forklift. The forklifts and trucks are stored on-site.

Information available to Waterkeeper indicates that saws, acetylene torches, and other cutting tools are used to process and separate metals from other materials. Repairs to equipment, including machinery and forklifts, also occur at the Los Angeles Recycling Facility. New fluids are stored in 55-gallon dispenser drums inside the warehouse, along with hazardous waste fluids stored in separate drums.

Sources of pollutants associated with the industrial activities at the Los Angeles Recycling Facility include, but are not limited to: outdoor material handling and storage areas; sorting areas, including the conveyors and air compressor; material processing areas, including the baler, saws, torches, and other cutting devices; propane tanks; new fluid and hazardous waste fluid storage drums and areas; pallet storage areas; vehicle and equipment maintenance areas; parking areas; loading and unloading areas; loose piles of scrap materials; shipping and receiving areas; baled material storage areas; scales; trash dumpsters; and on-site material handling equipment such as forklifts, front loader, trucks, dumpsters and bins.

Visual observations conducted by Waterkeeper indicate that a fence surrounds the Los Angeles Recycling Facility and that the main entrance is located on North Main Street. The site includes one large sorting and storage area and is surrounded by an open area where truck bins store sorted materials. Waterkeeper has observed that the Los Angeles Recycling Facility Owner and/or Operator stores scrap and other materials in large piles placed directly on the ground within the Los Angeles Recycling Facility's open area without any covering or containment, thereby exposing pollutants associated with their industrial activities to storm water flows. These piles are located near driveways leading into and out of the Facility onto North Main Street, and appear to be at least 15-20 feet high. Waterkeeper has also observed that the Los Angeles Recycling Facility Owner and/or Operator stores scrap metal and other materials in large, uncovered bins with no secondary containment. Moreover, Waterkeeper has observed a large amount of debris, trash, waste materials and recyclables strewn over the surface of Facility and its driveways and being blown and carried by wind or incoming and outgoing vehicles around the streets neighboring the Los Angeles Recycling Facility.

Waterkeeper investigators have also observed that dirt, oil, grease, dust, and other pollutants cover the floor of the operations area. These pollutants have been and continue to be tracked throughout the Facility and off-site by trucks and other vehicles leaving the Facility via the driveway and are thus carried to North Main Street and other streets surrounding the Facility.

C. Los Angeles Recycling Facility Pollutants and Discharge Points

Information available to Waterkeeper, including the SWPPP for the Los Angeles Recycling Facility, indicates that the pollutants associated with operations at the Los Angeles

Recycling Facility include, but are not limited to: heavy metals such as aluminum, copper, iron, lead, zinc, and nickel; pH-affecting substances; O&G; fuel and fuel additives; TSS; diesel; propane; lubricants; fuel; coolant; liquid waste; recyclable materials; battery acid; hazardous waste fluids; wood fragments/particles; fugitive and other dust, dirt, and debris; waste and new petroleum products; glass; plastic; and paper fibers. The Los Angeles Recycling Facility Owner's and/or Operator's failure to develop and/or implement required best management practices ("BMPs") results in the exposure of pollutants associated with the Facility's industrial activities to rainfall, which then discharges into the Receiving Waters, in violation of the Storm Water Permit and the Clean Water Act.

Information available to Waterkeeper in the Facility's SWPPP indicates that there are at least three (3) storm water discharge points at the Los Angeles Recycling Facility. One discharge point receives storm water flows from the truck parking and container storage area of the larger parcel north of College Street and is located on the corner of College Street and Alhambra Avenue. A second discharge point is a storm drain that is located in the yard in the southern portion of the larger parcel and receives storm water flowing over most of the activities on the larger parcel. A third discharge point receives storm water flows from the smaller parcel south of College Street and is located at the entrance to the parcel on College Street. The Facility's SWPPP states that storm water from all three of these discharge points is discharged into the Los Angeles County Flood Control District drainage pipes, which flow directly into the Los Angeles River.

Waterkeeper's visual observations of the Facility also indicate that the Los Angeles Recycling Facility Owner and/or Operator has not properly developed and/or installed BMPs at the Facility sufficient to prevent or reduce the exposure of pollutants associated with the Facility's industrial operations to storm water and non-storm water or prevent the discharge of these pollutants from the Facility. Consequently, storm water carries pollutants from the uncovered operations areas, uncovered scrap piles, equipment, staging areas, shipping and receiving areas, and other sources directly onto College Street and into area storm drains. These illegal discharges degrade the beneficial uses of the Los Angeles River, Los Angeles River Estuary, and the Pacific Ocean and negatively impact Waterkeeper's members' use and enjoyment of these waters.

III. Violations of the Clean Water Act and the Storm Water Permit

A. Discharges of Polluted Storm Water from the Los Angeles Recycling Facility in Violation of Effluent Limitation B(3) of the Storm Water Permit

Effluent Limitation B(3) of the Storm Water Permit requires dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve best available technology economically achievable ("BAT") for toxic pollutants⁸ and best conventional pollutant control technology ("BCT") for

⁸ Toxic pollutants include heavy metals, such as copper, lead, and zinc. See 40 C.F.R. § 401.15.

conventional pollutants.⁹ EPA Benchmarks are objective standards for evaluating whether a permittee's BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitation B(3) of the Storm Water Permit.¹⁰

Storm water sampling at the Los Angeles Recycling Facility consistently demonstrates that discharges from the Facility contain concentrations of pollutants above the EPA Benchmarks. The table below sets forth the results of sampling conducted by the Los Angeles Recycling Facility Owner and/or Operator. Each sample result listed demonstrates an EPA Benchmark exceedance.

Sampling Conducted by the Los Angeles Recycling Facility Owner and/or Operator Demonstrating Benchmark Exceedances					
Date of Sample	Sample Location	Constituent	EPA Benchmark ¹¹	Sample Value	Magnitude of Exceedance ¹²
2/9/2009	Location #1	COD ¹³	120	146	1.22
2/9/2009	Location #1	Aluminum	0.75	0.859	1.15
2/9/2009	Location #1	Copper ¹⁴	0.0123	0.055	4.47
2/9/2009	Location #1	Iron	1.0	2.06	2.06
2/9/2009	Location #1	Zinc	0.11	0.416	3.78
4/13/2012	S. Yard Drain	TSS	100	177	1.77
4/13/2012	S. Yard Drain	Aluminum	0.75	1.24	1.65
4/13/2012	S. Yard Drain	Copper	0.0123	0.042	3.41
4/13/2012	S. Yard Drain	Iron	1.0	1.91	1.91
4/13/2012	S. Yard Drain	Zinc	0.11	0.969	8.81

Information available to Waterkeeper, including observations of the Facility's BMPs, sampling data with consistent exceedances of EPA Benchmarks, and inspection reports from the Regional Board, demonstrate that the Los Angeles Recycling Facility Owner and/or Operator has failed and continues to fail to develop and/or implement BMPs at the Los Angeles Recycling Facility that achieve compliance with the BAT/BCT standards.

⁹ Conventional pollutants include biochemical oxygen demand, TSS, O&G, pH, and fecal coliform. See 40 C.F.R. § 401.16.

¹⁰ See *United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP)*, as modified effective May 27, 2009 ("Multi-Sector Permit").

¹¹ EPA Benchmark Values for all constituents in the tables in this Notice Letter are measured in units of mg/L.

¹² The magnitude of exceedance values in the column in this table and in the subsequent tables were calculated by taking the Sample Value and dividing it by the EPA Benchmark Value (or CTR criteria in the table below). For example, the first COD sample value (taken on 2/9/2009) of 146 divided by 120 (EPA Benchmark for COD) equals 1.22. Thus the sample taken on 2/9/2009 is 1.22 times the EPA Benchmark for COD.

¹³ Chemical Oxygen Demand.

¹⁴ Certain pollutants, including copper, lead and zinc, are water hardness dependent. The EPA Benchmarks listed in the tables in this Notice Letter are based on a hardness of 75-100 mg/L. See Multi-Sector Permit, p. 102 (Subsector N Benchmark Values).

Waterkeeper puts the Los Angeles Recycling Facility Owner and/or Operator on notice that it violates Effluent Limitation B(3) of the Storm Water Permit every time it discharges storm water from the Los Angeles Recycling Facility without BMPs that achieve BAT/BCT. *See, e.g.*, Exhibit A (setting forth dates of discharges). These discharge violations are ongoing and will continue every time the Los Angeles Recycling Facility Owner and/or Operator discharges polluted storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. Waterkeeper will update the dates of violations when additional information and data become available. Each time the Los Angeles Recycling Facility Owner and/or Operator discharges polluted storm water in violation of Effluent Limitation B(3) of the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The Los Angeles Recycling Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since September 6, 2008.

B. Discharges of Polluted Storm Water from the Los Angeles Recycling Facility in Violation of Receiving Water Limitations C(1) and C(2) of the Storm Water Permit

Receiving Water Limitation C(1) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges to surface water that adversely impact human health or the environment. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact human health or the environment constitute violations of Receiving Water Limitation C(1) of the Storm Water Permit and the Clean Water Act. Receiving Water Limitation C(2) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable Water Quality Standard ("WQS").¹⁵ Discharges that contain pollutants in excess of an applicable WQS violate Receiving Water Limitation C(2) of the Storm Water Permit and the Clean Water Act.

Storm water sampling demonstrates that discharges from the Los Angeles Recycling Facility contain elevated concentrations of pollutants such as lead, copper, and zinc, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Receiving Waters. Storm water sampling at the Los Angeles Recycling Facility also demonstrates that discharges contain concentrations of pollutants that cause or contribute to an exceedance of an applicable WQS. The table below sets forth the results of sampling conducted by Waterkeeper and the Los Angeles Recycling Facility Owner and/or Operator. Each sample result demonstrates violations of Receiving Water Limitation C(1) and/or Receiving Water Limitation C(2).

¹⁵ WQSs include pollutant concentration levels determined by the State Board and the EPA to be protective of the Beneficial Uses of the receiving waters. Discharges above WQSs contribute to the impairment of the receiving waters' Beneficial Uses. Applicable WQSs include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR"). The Basin Plan also sets out additional applicable WQSs.

Sampling Demonstrating Exceedances of Water Quality Standards					
Date of Sample	Sample Location	Constituent	CTR Criteria ¹⁶	Sample Value ¹⁷	Magnitude of Exceedance ¹⁸
2/9/2009	Location #1	Copper	0.014	0.055	3.93
2/9/2009	Location #1	Zinc	0.12	0.416	3.47
4/13/2012	S. Yard Drain	Copper	0.014	0.042	3.0
4/13/2012	S. Yard Drain	Zinc	0.12	0.969	8.08

Waterkeeper puts the Los Angeles Recycling Facility Owner and/or Operator on notice that Receiving Water Limitation C(1) and/or Receiving Water Limitation C(2) of the Storm Water Permit are violated each time polluted storm water discharges from the Los Angeles Recycling Facility. *See, e.g.*, Exhibit A (setting forth dates of discharges). Information available to Waterkeeper indicates that these violations are ongoing and occur every time the Los Angeles Recycling Facility Owner and/or Operator discharges storm water from the Los Angeles Recycling Facility. Waterkeeper will update the dates of violation when additional information and data becomes available. Each time discharges of storm water from the Facility adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(1) of the Storm Water Permit and the Clean Water Act. Each time discharges of storm water from the Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(2) of the Storm Water Permit and the Clean Water Act. The Los Angeles Recycling Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since September 6, 2008.

C. Failure to Develop, Implement, and/or Revise an Adequate Storm Water Pollution Prevention Plan

Section A(1) and Provision E(2) of the Storm Water Permit require dischargers to have developed and implemented a SWPPP by October 1, 1992, or prior to beginning industrial activities, that meets all of the requirements of the Storm Water Permit. The objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges from the Los Angeles Recycling Facility, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. Storm Water Permit, Section A(2). These BMPs must achieve compliance with the Storm Water Permit's Effluent Limitations and Receiving Water Limitations. To ensure compliance with the Storm Water Permit, the SWPPP must be

¹⁶ The CTR criteria for "priority toxic pollutants" are set forth in 40 C.F.R. § 131.38. These criteria are expressed as dissolved metal concentrations in the CTR. However, the Storm Water Permit requires permittees to report their sample results as total metal concentrations. *See* Storm Water Permit, Section B(10)(b). In order to compare the sample results reported in the Los Angeles Recycling Facility's Annual Reports with the CTR criteria, Waterkeeper used the CTR criteria converted to total metal concentrations set forth in the State Board's "Water Quality Goals" database, available at http://www.waterboards.ca.gov/water_issues/programs/water_quality_goals/. The formula used to convert the CTR criteria to total metal concentrations is set forth in the CTR at 40 C.F.R. § 131.38(b)(2)(i).

¹⁷ CTR criteria and sample results for this table are measured in units of mg/L.

¹⁸ *See* footnote 12, above.

evaluated on an annual basis pursuant to the requirements of Section A(9) and revised as necessary. *See* Storm Water Permit, Sections A(9) and A(10).

Sections A(3) – A(10) of the Storm Water Permit set forth the requirements for a SWPPP. Among other requirements, the SWPPP must include: a pollution prevention team; a site map showing the facility boundaries, storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system(s), structural control measures, areas of actual and potential pollutant contact, and areas of industrial activity (*see* Section A(4)); a list of significant materials handled and stored at the site (*see* Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water discharges and their sources, and a description of locations where soil erosion may occur (*see* Section A(6)). Sections A(7) and A(8) require an assessment of potential pollutant sources at the facility and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective.

Information available to Waterkeeper indicates that the Los Angeles Recycling Facility Owner and/or Operator has been conducting and continues to conduct operations at the Los Angeles Recycling Facility with an inadequately developed, implemented, and/or revised SWPPP. First, the SWPPP for the Facility fails to include an adequate site map that includes all of the requirements of Section A(4) of the Storm Water Permit. The site map included in the Los Angeles Recycling Facility SWPPP does not include, among other requirements: portions of the drainage area impacted by run-on from surrounding areas; areas of soil erosion; nearby water bodies; municipal storm drain inlets where the Facility's storm water discharges and authorized non-storm water discharges may be received; locations where materials are directly exposed to precipitation; and all areas of industrial activities.

Further, although many of the *headings* in the Los Angeles Recycling Facility SWPPP match the requirements of the Storm Water Permit, the SWPPP does not include the specific information required under each heading. For example, although the SWPPP includes a list of significant materials at the Los Angeles Recycling Facility, the only information stated about each material is that it is located either "outdoors" or "indoors." These words alone do not fulfill the Storm Water Permit's Section A(5) requirements to describe "the locations where the material is being stored, received, shipped, handled" given the size of the Facility and multiple structures on the property. Additionally, this list of significant materials includes "waste petroleum products" and "new petroleum products," but only lists the annual volume of each material as "Gallons per Year," which does not fulfill the Storm Water Permit requirement of listing the typical quantities of each significant material.

The SWPPP for the Los Angeles Recycling Facility also does not provide the specificity required regarding the Facility's industrial activities, associated potential pollutant sources, and potential pollutants, in violation of Section A(6) of the Storm Water Permit. For example, the descriptions of the industrial activities at the Facility do not include "the type, characteristics,

and quantity of significant materials used in or resulting from the [industrial] process, and a description of the manufacturing, cleaning, rinsing, recycling, disposal, or other activities related to the [industrial] process.” The Facility SWPPP is similarly vague regarding the details about the material handling and storage areas and dust and particulate generating activities, in violation of Section A(6) of the Storm Water Permit. Further, the SWPPP does not include a narrative assessment of the industrial activities and potential pollutant sources to determine “which areas of the facility are likely sources of pollutants in storm water discharges and authorized non-storm water discharges,” as required by Section A(7) of the Storm Water Permit.

The Los Angeles Recycling Facility Owner and/or Operator has failed and continues to fail to develop and/or implement a SWPPP that contains adequate BMPs to prevent the exposure of pollutant sources to storm water and the subsequent discharge of polluted storm water from the Los Angeles Recycling Facility. For example, although the two storm water samples taken by the Los Angeles Recycling Facility Owner and/or Operator contained multiple pollutants in concentrations above EPA Benchmark levels, the only revisions to the Facility’s SWPPP occurred in 2011 and these revisions only addressed COD Benchmark exceedances. The EPA Benchmark exceedances, along with inspections and notices of violation from the Regional Board, put the Los Angeles Recycling Facility Owner and/or Operator on notice that the BMPs developed and implemented under the current SWPPP have failed to prevent storm water exposure to pollutants, yet the SWPPP has not been revised to correct these problems.

Waterkeeper puts the Los Angeles Recycling Facility Owner and/or Operator on notice that it violates Section A and Provision E(2) of the Storm Water Permit and the Clean Water Act every day that it operates the Los Angeles Recycling Facility with an inadequately developed, implemented, and/or revised SWPPP. The Los Angeles Recycling Facility Owner and/or Operator has been in daily and continuous violation of the Storm Water Permit’s SWPPP requirements since at least September 6, 2008. These violations are ongoing, and Waterkeeper will include additional violations as information and data become available. The Los Angeles Recycling Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since September 6, 2008.

D. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program

Section B(1) and Provision E(3) of the Storm Water Permit require facility operators to develop and implement an adequate Monitoring and Reporting Program (M&RP) by October 1, 1992, or when industrial activities begin at a facility, that meets all of the requirements of the Storm Water Permit. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility’s discharge to ensure compliance with the Storm Water Permit’s Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* Storm Water Permit, Section B(2). An adequate M&RP therefore ensures that BMPs are effectively reducing and/or eliminating pollutants at the facility, and is evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *See id.*

Sections B(3) through B(16) of the Storm Water Permit set forth the M&RP requirements. Specifically, Section B(3) requires dischargers to conduct quarterly visual observations of all drainage areas within their facility for the presence of authorized and unauthorized non-storm water discharges. Section B(4) requires dischargers to conduct visual observations of storm water discharges during the first hour of discharge of at least one storm event per month during the Wet Season (October 1 – May 31) at each discharge point. Sections B(3) and B(4) further require dischargers to document the presence of any floating or suspended material, O&G, discolorations, turbidity, odor, and the source of any pollutants. Dischargers must maintain records of observations, observation dates, locations observed, and responses taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water and storm water discharges. Storm Water Permit, Sections B(3) and B(4).

Sections B(5) and B(7) of the Storm Water Permit require discharges to collect storm water samples during the first hour of discharge from the first storm event of the Wet Season and at least one other storm event during the Wet Season. A sample must be collected from each discharge point at the facility. Storm water samples must be analyzed for TSS, pH, specific conductance (“SC”), and total organic carbon (“TOC”) or O&G. Facilities classified as SIC Code 5093, such as the Los Angeles Recycling Facility, must also analyze their storm water samples for iron, lead, aluminum, zinc, copper, and COD. Facilities must also analyze their storm water samples for “toxic chemicals and other pollutants that are likely to be present in storm water discharges in significant quantities.” Storm Water Permit, Section B(5)(c).

Information available to Waterkeeper indicates that the Los Angeles Recycling Facility Owner and/or Operator has been conducting operations at the Los Angeles Recycling Facility with an inadequately developed, implemented, and/or revised M&RP. For example, although a signature often appears on Form 4, the standard Annual Report form for recording monthly observations of storm water discharges at a facility, the only information ever recorded on this form in the Facility’s 2008-2009, 2009-2010, and 2010-2011 Annual Reports was, “All rain events were observed to determine if they produced a Qualified or unqualified discharge. These observations are noted in our Stormwater compliance records. If a Qualified Discharge occurred this month, it is identified on this form.” The Los Angeles Recycling Facility Owner and/or Operator never filled in the date, location, or time of the observation, or any notes about the appearance of the discharges in these Annual Reports, as required by Section B(4) of the Storm Water Permit.¹⁹ In the Facility’s 2011-2012 and 2012-2013 Annual Reports this verbatim phrase was not written, but instead Form 4 was merely signed every month, with information about the observation date and time only filled in for April 2012. The Facility’s 2010-2011 Annual Report Form 4 states, “Note: This information is from memory, not from records. No written records were kept. All rain events were observed to determine if they produced a Qualified or unqualified discharge.” This explanation does not comply with the Storm Water Permit, as accurate monthly observations and written records are required, rather than a summary from memory at the end of the 8-month Wet Season. Further, contrary to the Los Angeles Recycling

¹⁹ Furthermore, even if separate “Stormwater compliance records” exist, the Storm Water Permit requires permittees to submit this information to the Regional Board, and there is no evidence that the Los Angeles Recycling Facility Owner and/or Operator has ever done so.

Facility Owner's and/or Operator's claim in its Annual Reports, there were many opportunities to observe storm water discharges from the Facility as required by the Permit. *See Exhibit B* (setting forth dates). The Los Angeles Recycling Facility Owner and/or Operator has not conducted visual observations of its discharges as required by Section B(4) of the Storm Water Permit.

Information available to Waterkeeper indicates that the Los Angeles Recycling Facility Owner and/or Operator has not collected storm water samples, as required by Sections B(5) and B(7) of the Storm Water Permit. The Los Angeles Recycling Facility Owner and/or Operator stated in its 2009-2010 and 2012-2013 Annual Reports that it did not collect any samples because there were not any qualifying storm events or discharges during these Wet Seasons. However, information available to Waterkeeper indicates that there were at least six (6) qualifying storm events during the 2009-2010 Wet Season and at least four (4) qualifying storm events during the 2012-2013 Wet Season. *See Exhibit B* (setting forth dates). Additionally, the Facility's 2008-2009, 2010-2011, and 2011-2012 Annual Reports state that the Los Angeles Recycling Facility Owner and/or Operator only collected a sample from one storm event because no other qualifying storm events occurred during the Wet Season, but information available to Waterkeeper indicates that there were at least six (6) qualifying storm events during the 2008-2009 Wet Season, at least two (2) qualifying storm events during the 2010-2011 Wet Season, and at least six (6) qualifying storm events during the 2011-2012 Wet Season. Plus, although the Los Angeles Recycling Facility Owner and/or Operator reported that it sampled one storm event during the 2010-2011 Wet Season, no records of analyzing this sample were included in the Facility's 2010-2011 Annual Report. Thus, the Los Angeles Recycling Facility Owner's and/or Operator's failure to collect, analyze, and report any storm water samples during these Wet Seasons is a violation of the Storm Water Permit.

Information available to Waterkeeper indicates that the Los Angeles Recycling Facility Owner and/or Operator has not collected storm water samples from all discharge points, as required by Section B(5) of the Storm Water Permit. In the 2008-2009 and 2010-2011 Annual Reports for the Facility, the Los Angeles Recycling Facility Owner and/or Operator stated that it reduced its sample collection in accordance with Section B(7)(d) of the Storm Water Permit from sampling at its three discharge points to only one discharge point. However, no documentation supporting its determination that two or more of its drainage areas are substantially identical was ever provided in these Annual Reports, and thus the Los Angeles Recycling Facility Owner and/or Operator is not in compliance with the Storm Water Permit. Furthermore, in the 2011-2012 and 2012-2013 Annual Reports for the Facility, the Los Angeles Recycling Facility Owner and/or Operator stated that only one discharge point existed at the Facility, even though the Facility's SWPPP, operations, and/or property has not changed in any manner that would reduce the discharge points. Thus, the Facility Owner's and/or Operator's failure to report and sample all discharge points at the Facility is in violation of the Storm Water Permit.

Further, information available to Waterkeeper indicates that Los Angeles Recycling Facility Owner and/or Operator is conducting hazardous waste treatment, storage and/or disposal at the Facility under SIC Code 4953, and therefore must analyze storm water samples for

pollutants in addition to those required for SIC Code 5093 facilities, including mercury, selenium, and cadmium. *See* Storm Water Permit, Table D, Sector K. The Los Angeles Recycling Facility Owner's and/or Operator's M&RP does not include provisions to ensure storm water samples are analyzed for these additional parameters, nor do they analyze for these parameters. These failures result in violations of the Storm Water Permit's monitoring and reporting requirements.

Waterkeeper puts the Los Angeles Recycling Facility Owner and/or Operator on notice that it violates Section B and Provision E(3) of the Storm Water Permit and the Clean Water Act every day that it fails to develop, implement, and/or revise an adequate M&RP. The Los Angeles Recycling Facility Owner and/or Operator has been in daily and continuous violation of the Storm Water Permit's M&RP requirements every day since at least September 6, 2008. These violations are ongoing, and Waterkeeper will include additional violations as information and data become available. The Los Angeles Recycling Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since September 6, 2008.

E. Failure to Comply with the Storm Water Permit's Reporting Requirements

Section B(14) of the Storm Water Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. The Storm Water Permit, in relevant part, requires that the Annual Report include the following: 1) a summary of visual observations and sampling results; 2) an evaluation of the visual observation and sampling and analysis results; 3) laboratory reports; and 4) an Annual Comprehensive Site Compliance Evaluation Report. Storm Water Permit, Section B(14). As part of the Annual Comprehensive Site Compliance Evaluation Report ("ACSCE Report"), the facility operator must review and evaluate all of the BMPs to determine whether they are adequate or whether SWPPP revisions are needed. *See* Storm Water Permit, Section A(9). The Annual Report must be signed and certified by a duly authorized representative, under penalty of law that the information submitted is true, accurate, and complete to the best of his/her knowledge. *See* Storm Water Permit, Section B(14), and Sections C(9) and C(10).

Information available to Waterkeeper indicates that the Los Angeles Recycling Facility Owner and/or Operator has failed to comply with Section B(14) of the Storm Water Permit. As described above, the forms submitted to record the facility operator's monthly visual observations of the Facility's discharge points never included any information about the required observations, and thus the Los Angeles Recycling Facility Owner and/or Operator has never included a summary of visual observations or an evaluation of the visual observation results. Similarly, none of the Facility's Annual Reports include any summary or evaluation of the sampling and analysis results. Such an evaluation is critical to improving the Facility's storm water pollution management.

Waterkeeper's review of the Los Angeles Recycling Facility's Annual Reports submitted to the Regional Board also show that the Los Angeles Recycling Facility Owner and/or Operator has never included an adequate ACSCE Report in any of the Facility's Annual Reports. Like the visual observation forms, the ACSCE Report form is signed and included in each Annual Report,

but it does not include any of the evaluations or information required by the Storm Water Permit to ensure that the Facility's BMPs are adequate. Furthermore, the facility operator's signature on this form certifies that the Facility's BMPs address existing potential pollutant sources and that the SWPPP complies with the Storm Water Permit, yet as evidenced by the numerous violations described above, this certification is erroneous on every Annual Report submitted by the Los Angeles Recycling Facility Owner and/or Operator.

Finally, the Storm Water Permit requires a permittee whose storm water discharges exceed the Storm Water Permit Receiving Water Limitations to submit a written report identifying what additional BMPs will be implemented to achieve water quality standards. Storm Water Permit, Receiving Water Limitations C(3) and C(4). Information available to Waterkeeper indicates that the Los Angeles Recycling Facility Owner and/or Operator has failed to submit any such reports and thus is in daily violation of these sections of the Storm Water Permit.

Waterkeeper puts the Los Angeles Recycling Facility Owner and/or Operator on notice that each of the failures to report discussed above is a violation of the Storm Water Permit, and indicates a continuous and ongoing failure to comply with the Storm Water Permit's reporting requirements, including those set forth at Receiving Water Limitation C(3) and C(4), Section B(14), and Section C(9) and C(10). Every day the Los Angeles Recycling Facility Owner and/or Operator operates the Los Angeles Recycling Facility without reporting as required by the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The Los Angeles Recycling Facility Owner and/or Operator has been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least September 6, 2008. The Los Angeles Recycling Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since September 6, 2008.

IV. Relief Sought for Violations of the Clean Water Act

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five years prior to the date of the Notice Letter. These provisions of law authorize civil penalties of up to \$32,500 per day per violation for all Clean Water Act violations between March 15, 2004 and January 12, 2009, and \$37,500 per day per violation for all Clean Water Act violations after January 12, 2009. In addition to civil penalties, pursuant to Sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), Waterkeeper will seek injunctive relief preventing further violations of the Clean Water Act, declaratory relief, and such other relief as permitted by law. Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), Waterkeeper will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

V. Conclusion

Upon expiration of the 60-day notice period, Waterkeeper will file a citizen suit under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), for the above-referenced violations.

Notice of Violation and Intent to File Suit

September 25, 2013

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During the 60-day notice period, however, Waterkeeper is willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, it is suggested that you initiate those discussions immediately.

Please direct all communications to Los Angeles Waterkeeper:

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Santa Monica, California 90401
(310) 394-6162, ext. 102

Sincerely,



Liz Crosson, Executive Director
Los Angeles Waterkeeper



Tatiana Gaur
Attorney for
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Los Angeles Waterkeeper Notice of Violations and Intent to File Suit - Exhibit A
Days With Significant Rain Events (Rain Fall Above 0.1 inches)
September 2008 - May 2013
(716 Los Angeles-Ducommun St. Rain Gauge)

Date	Rainfall
11/4/08	0.12
11/25/08	0.4
11/26/08	1.18
12/15/08	1.47
12/17/08	0.56
12/22/08	0.16
12/25/08	0.24
1/23/09	0.32
2/5/09	0.56
2/6/09	0.64
2/7/09	0.12
2/9/09	0.32
2/13/09	0.2
2/16/09	0.92
2/17/09	0.32
3/4/09	0.24
6/5/09	0.2
10/13/09	0.28
10/14/09	1.11
12/7/09	0.84
12/11/09	0.64
12/12/09	0.72
12/13/09	0.12
12/30/09	0.12
1/17/10	0.28
1/18/10	0.83
1/19/10	0.51
1/20/10	1.38
1/21/10	0.8
1/22/10	0.36
1/26/10	0.2
2/5/10	0.64
2/6/10	1.6
2/9/10	0.51

Los Angeles Waterkeeper Notice of Violations and Intent to File Suit - Exhibit A
Days With Significant Rain Events (Rain Fall Above 0.1 inches)
September 2008 - May 2013
(716 Los Angeles-Ducommun St. Rain Gauge)

2/27/10	0.64
3/6/10	0.48
4/5/10	0.56
4/11/10	0.32
4/12/10	0.51
10/25/10	0.11
10/30/10	0.48
11/8/10	0.19
11/20/10	0.12
11/21/10	0.32
11/27/10	0.15
12/5/10	0.24
12/17/10	0.16
12/18/10	1.14
12/19/10	2.44
12/20/10	1.34
12/21/10	0.9
12/22/10	1.54
12/25/10	0.47
12/26/10	0.35
12/29/10	0.83
1/2/11	0.28
1/3/11	0.15
1/30/11	0.24
2/16/11	0.43
2/18/11	0.4
2/19/11	0.86
2/25/11	0.59
2/26/11	0.4
3/20/11	1.5
3/21/11	0.2
3/23/11	0.35
3/25/11	0.55
3/27/11	0.16
5/18/11	0.2

Los Angeles Waterkeeper Notice of Violations and Intent to File Suit - Exhibit A
Days With Significant Rain Events (Rain Fall Above 0.1 inches)
September 2008 - May 2013
(716 Los Angeles-Ducommun St. Rain Gauge)

10/5/11	1.45
11/4/11	0.2
11/6/11	0.31
11/12/11	0.12
11/20/11	0.78
12/12/11	0.67
1/21/12	0.58
1/23/12	0.55
2/15/12	0.15
3/17/12	0.6
3/18/12	0.36
3/25/12	0.6
3/26/12	0.36
4/10/12	0.45
4/11/12	0.27
4/13/12	0.45
4/14/12	0.27
4/25/12	0.3
4/26/12	0.18
10/11/12	0.45
10/12/12	0.27
11/17/12	0.3
11/18/12	0.18
11/28/12	0.15
11/29/12	0.24
11/30/12	0.39
12/1/12	0.18
12/2/12	0.3
12/3/12	0.18
12/17/12	0.15
12/23/12	0.3
12/24/12	0.18
12/25/12	0.15
12/29/12	0.3
12/30/12	0.18

Los Angeles Waterkeeper Notice of Violations and Intent to File Suit - Exhibit A
Days With Significant Rain Events (Rain Fall Above 0.1 inches)
September 2008 - May 2013
(716 Los Angeles-Ducommun St. Rain Gauge)

1/23/13	0.3
1/24/13	0.48
1/25/13	0.18
2/19/13	0.13
3/7/13	0.3
5/5/13	0.15
5/6/13	0.2

Los Angeles Waterkeeper Notice of Violations and Intent to File Suit - Exhibit B
Qualifying Rain Events During Business Hours
September 2008 - March 2013
(716 Los Angeles-Ducommun St. Rain Gauge)

Date	Day of Week	Total Rainfall (in inches)
12/15/08	Monday	1.47
12/22/08	Monday	0.16
1/23/09	Friday	0.32
2/5/09	Thursday	0.56
2/13/09	Friday	0.2
3/4/09	Wednesday	0.24
10/13/09	Tuesday	0.28
12/7/09	Monday	0.84
12/30/09	Wednesday	0.12
2/5/10	Friday	0.64
3/6/10	Saturday	0.48
4/5/10	Monday	0.56
10/30/10	Saturday	0.48
12/29/10	Wednesday	0.83
10/5/11	Wednesday	1.45
11/4/11	Friday	0.2
1/21/12	Saturday	0.58
3/17/12	Saturday	0.32
4/10/12	Tuesday	0.24
4/25/12	Wednesday	0.16
10/11/12	Thursday	0.24
11/17/12	Saturday	0.16
1/23/13	Wednesday	0.16
3/7/13	Thursday	0.16

